



Roll Call Number

22-1438

Agenda Item Number

58

Date September 12, 2022

**RESOLUTION REGARDING REQUEST FOR OUTDOOR SPECIAL EVENT
(FRANKLIN AVENUE LIBRARY COMMUNITY TABLE: A STORY TELLING AND
LOCAL FOOD FESTIVAL) IN ACCORDANCE WITH "FRANKLIN JUNIOR HIGH
SCHOOL" PUD CONCEPTUAL PLAN FOR PROPERTY AT 4801 FRANKLIN
AVENUE**

WHEREAS, on June 24, 2019, by Roll Call No. 19-1053, the City Council held a public hearing regarding the proposed rezoning of real property located at 4801 Franklin Avenue ("Property") to "PUD" Planned Unit Development District, and We Can Build It, LC's "Franklin Junior High School" PUD Conceptual Plan for said Property, to allow a mixed-use renovation of the existing school and church building for uses identified in said resolution, and approved said rezoning and PUD Conceptual Plan subject to final passage of an ordinance rezoning the Property and subject to the developer submitting a PUD Development Plan for review and approval by the Plan and Zoning Commission and the City Council; and

WHEREAS, on July 15, 2019, by Roll Call No. 19-1136, the City Council approved Ordinance No. 15,787 rezoning the Property from "Limited "C-I" Neighborhood Retail Commercial District to "PUD" Planned Unit Development District; and

WHEREAS, on December 19, 2019, by Roll Call No. 19-2029, the City Council conditionally approved We Can Build It, LC's "Franklin Junior High School" PUD Development Plan consistent with the previously approved PUD Conceptual Plan; and

WHEREAS, the Property is legally described as follows:

THE SOUTH 685.6 FEET OF THE EAST 608.3 FEET AND THE NORTH 220.8 FEET OF THE EAST 500 FEET OF LOT 2 IN FRANKLIN PLAZA, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; and

WHEREAS, the "Franklin Junior High School" PUD Conceptual Plan, and the Council approval thereof, contain a requirement as follows:

- "Outdoor special events shall only be allowed by resolution of the Des Moines City Council...."; and

WHEREAS, 4801 Franklin, LLC ("Developer") and Des Moines Public Library have submitted a request to operate a Franklin Avenue Library Community Table: A Story Telling and Local Food Festival on the Property on October 8, 2022 from 9:00 AM to 5:00 PM, which request



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requires Council consideration in accordance with the "Franklin Jr. High School" PUD Conceptual Plan; and

WHEREAS, Neighborhood Services staff recommend that the City Council approve the Developer's request to allow said fundraising events in accordance with the conditions stated below, insofar as no additional rent is charged for said events.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that:

1. The request from 4801 Franklin, LLC and Des Moines Public Library in accordance with the "Franklin Jr. High School" PUD Conceptual Plan, to conduct the Franklin Avenue Library Community Table: A Story Telling and Local Food Festival, on October 8, 2022 from 9:00 AM to 5:00 PM, is hereby received and filed.
2. Said request to operate the outdoor special event, Franklin Avenue Library Community Table: A Story Telling and Local Food Festival, is hereby approved subject to the following conditions:
 - a. The event may occur, between the hours of 9:00 AM. and 5:00 PM. on October 8, 2022.
 - b. Developer and the event coordinator shall follow all federal Center for Disease Control and State of Iowa recommendations and guidance related to prevention of COVID-19.
 - c. Use of adjoining Tower Park and Des Moines Water Works Hazen Water Tower property is subject to obtaining necessary use permits from the City of Des Moines Parks and Recreation Department and Des Moines Water Works.
3. Any outdoor special event use of the Property other than such use approved herein shall require separate City Council consideration in accordance with the "Franklin Junior High School" PUD Conceptual Plan.

MOVED BY Satto TO ADOPT. SECOND. BY Boesen



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APPROVED AS TO FORM:

Judy K. Parks-Kruse

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Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL.

CERTIFICATE

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

J. M. Franklin Cownie Mayor

Laura Baumgartner City Clerk